

**AGENDA of the  
Portfolio Committee: Infrastructure and Planning  
19 April 2016  
(Also the agenda for the Mayoral Committee Meeting: 28 April 2016)**

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**3.**

**ERF 1186, 17 DUIKER STREET, VERMONT, OVERSTRAND MUNICIPAL AREA :  
REMOVAL OF RESTRICTIONS, SUBDIVISION AND DEPARTURE : MESSRS PLAN  
ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF JJ NEL AND MM  
JOURDAN**

**1186 HVM (3015)**

**H Olivier**

**26 February 2016**

**(028) 313 8900**

**Hermanus Administration**

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**1. Executive Summary**

An application has been received on 18 August 2015 from Messrs Plan Active Town and Regional Planners on behalf of the property owners, JJ Nel and MM Jourdan, for the removal of a restrictive title condition applicable to Erf 1186, Vermont to enable the owner to remove some restrictive building lines from the Title Deed. The application further entails the following:

- application for the subdivision of Erf 1186, Vermont into a Remainder of 625m<sup>2</sup> and a Portion A of 625m<sup>2</sup> in extend.
- application for departure from the Zoning Scheme Regulations on the new Portion A to relax the northern lateral building line from 2m to 0m to accommodate a garage, as well as to relax the southern lateral building line of the Remainder from 2m to 1m to accommodate the existing dwelling.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, and the Motivation Report from the applicant in support of the proposal is attached as Annexure C.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town- and Spatial Planning

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

Executive Mayor

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## **5. Legal Requirements**

- Removal of Restrictions Act 84 of 1967
- Section 24 and 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

## **6. Background/Discussion/Evaluation**

### **Background**

Erf 1186, Vermont is situated in Duiker Street, Vermont.

The property is developed with a main dwelling, second dwelling and garage.

The main dwelling has heritage significance, and prior efforts from the land owners to subdivide the property and in the process breaking down a portion of the heritage building, did not succeed.

They now submitted a revised subdivision with new proposed subdivision line between the buildings to try to retain the existing buildings.

Application is also made to relax the new 2m lateral building line that will be created next to the new subdivision line. This is to accommodate the existing main dwelling which will be situated 1m from the new boundary line, and to accommodate the existing garage that will be situated on Portion A on the new lateral boundary.

Application is also made to remove a condition in Title Deed T27640/1998, which stipulates building lines that would prohibit the above departures, and also that only one dwelling may be erected on the property. The restrictive condition reads as follows:

*“E. Onderhewig verder aan die volgende voorwaardes genoem in Akte van Transport Nr. T16807/1946, ten gunste van die Transportgewer Maatskappy en hul Opvolgens in titel ten opsigte van die restant van die grond gehou kragtens Akte van Transport Nr. T7023/1935, naamlik:*

- (a) Save with the consent of the Transferor Company in writing no building or structure or any portion thereof, except boundary walls and fences shall be erected nearer than 3,15 (three comma one five) meters to the street line which forms a boundary of the said property, and no such building or structure shall be situate within 1,57 (one comma five seven) meters of the lateral boundary common to any adjoining Lot if the property sold comprises more than one lot, be subdivided.*

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- (d) *Unless the permission of the Transferor Company in writing be obtained under condition (c) above, the said property shall be used for residential purposes only and only one dwelling, together with such outbuildings as are ordinarily required for domestic purposes, shall be erected on any one Lot, and in particular, subject to any permission granted as aforesaid, no structure of the type commonly known as "flats" shall be erected on the said property."*

The application was advertised in the local press and Government Gazette, and registered notices were also sent to all surrounding affected property owners. One letter with comment was received from the Chairperson of the Vermont Ratepayers' and Environmental Association. The association support the application.

The application was also circulated to all relevant internal municipal departments and external institutions.

The application will be considered in terms of the criteria to determine desirability in terms of Section 36 of the Land Use Planning Ordinance 15 of 1985.

Location and Accessibility

Erf 1186, Vermont is situated in an area developed for single residential purposes. Most erven in the area also measures between 600m<sup>2</sup> to 800m<sup>2</sup> in size. The two new proposed erven will both measures approximately 625m<sup>2</sup>, and is in line with the size of surrounding properties. It is also to be noted that Erf 1186 was created out of a consolidation of two residential erven in 1989.

Due to the fact that the main dwelling has a Heritage Status the Heritage Western Cape was also obtained. That Department indicated that they support the application.

The departures and removal of restrictions relate mostly about building lines and the right to build second dwellings.

The issues with regard to second dwellings are controlled in terms of the Zoning Scheme, and such restrictive condition can therefore be removed.

To ensure that no portion of the historic main dwelling and existing garage have to be demolished, application is made to remove building line conditions from the Title Deed. Also to relax the relevant Zoning Scheme building lines that will be applicable next to the new boundary line that will be created between the two properties. The building line relaxation is to accommodate an existing single storey dwelling 1m from a lateral boundary, and the existing garage on the lateral boundary. Similar applications have been approved in the past and

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it is the opinion that it would not have a negative impact on the surrounding area. Note that both structures are also existing structures.

Considering the above, the application will not have a detrimental impact on the character of the area.

Provision of Services

The area is a fully developed area and all services are available.

Policy Plans

The area is identified for "Residential" in terms of the Overstrand Municipal Wide SDF, 2006.

The area is also status quo in terms of the Overstrand Municipal Growth Management Plan, 2010.

The proposal is in line with the above-mentioned Policy Plans, and the size of the two new erven will be in line with those of surrounding erven.

**Conclusion**

No objections were received against the application. All relevant municipal departments and external institutions support the application.

The application is in line with Policy Plans for this area and would not have a negative impact on the character of the area or surrounding property owners.

The application is desirable and is supported.

**7. Financial Implications**

None

**8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

**Operational Services**

No objection.

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**Building Department**

3C – Ceal Higgs. Supported.

**Environmental Department**

Approved.

**Fire Department**

No objection.

**District Health**

Approved.

**10. Annexures**

Annexure A: Locality Plan

Annexure B: Proposed Site Development Plan

Annexure C: Motivation Report

Annexure D: Comments received from the Vermont Ratepayers' and Environmental Association (not objection)

Annexure E: Comment: Eskom

Annexure F: Services Report

**RECOMMENDATION:**

1. that, in terms of Removal of Restrictions Act 84 of 1967, the removal of a restrictive title condition applicable to Erf 1186, Vermont to enable the owner to subdivide the property and relax the building lines, **be recommended for approval** by the Provincial Government: Western Cape;
2. that, in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the subdivision of Erf 1186, Vermont into a Remainder and Portion A each measuring 625m<sup>2</sup> in extent, **be approved**;
3. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for departure from the relevant Scheme Regulations on new Portion A (of Erf 1186) to relax the northern lateral building line from 2m to 0m to accommodate the existing garage, and to relax the southern lateral building line of the Remainder (Erf 1186) from 2m to 1m to accommodate the existing dwelling, **be approved**;
4. that the approvals in 2 and 3 above be subject to the following conditions:

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- (a) that this approval only has reference to the Subdivisional Plan Drawing No. *verm1186 5.drw* dated July 2015, as submitted with the application;
  - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (d) that all the conditions in the Services Report (attached as Annexure D), be complied with;
  - (e) that all the conditions imposed by Telkom (attached as Annexure E), be complied with; and
  - (f) that the approval for the relaxation of building lines is only as indicated on Plan No. *Verm1186.5 drw* dated July 2015.
5. that the applicant be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H OLIVIER</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>12 MAY 2016</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>12 MAY 2016</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

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**1186 HVM (3015)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**26 February 2016**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
19 APRIL 2016, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

**RESPONSIBLE OFFICIAL :**

**H OLIVIER**

**TARGET DATE FOR IMPLEMENTATION :**

**12 MAY 2016**

**TARGET DATE TO INFORM APPLICANT :**

**12 MAY 2016**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**



Scale: NTS

Drawing Nr: vermont11861.drw

Date: JULY 2015

Plan Description:

LOCALITY MAP

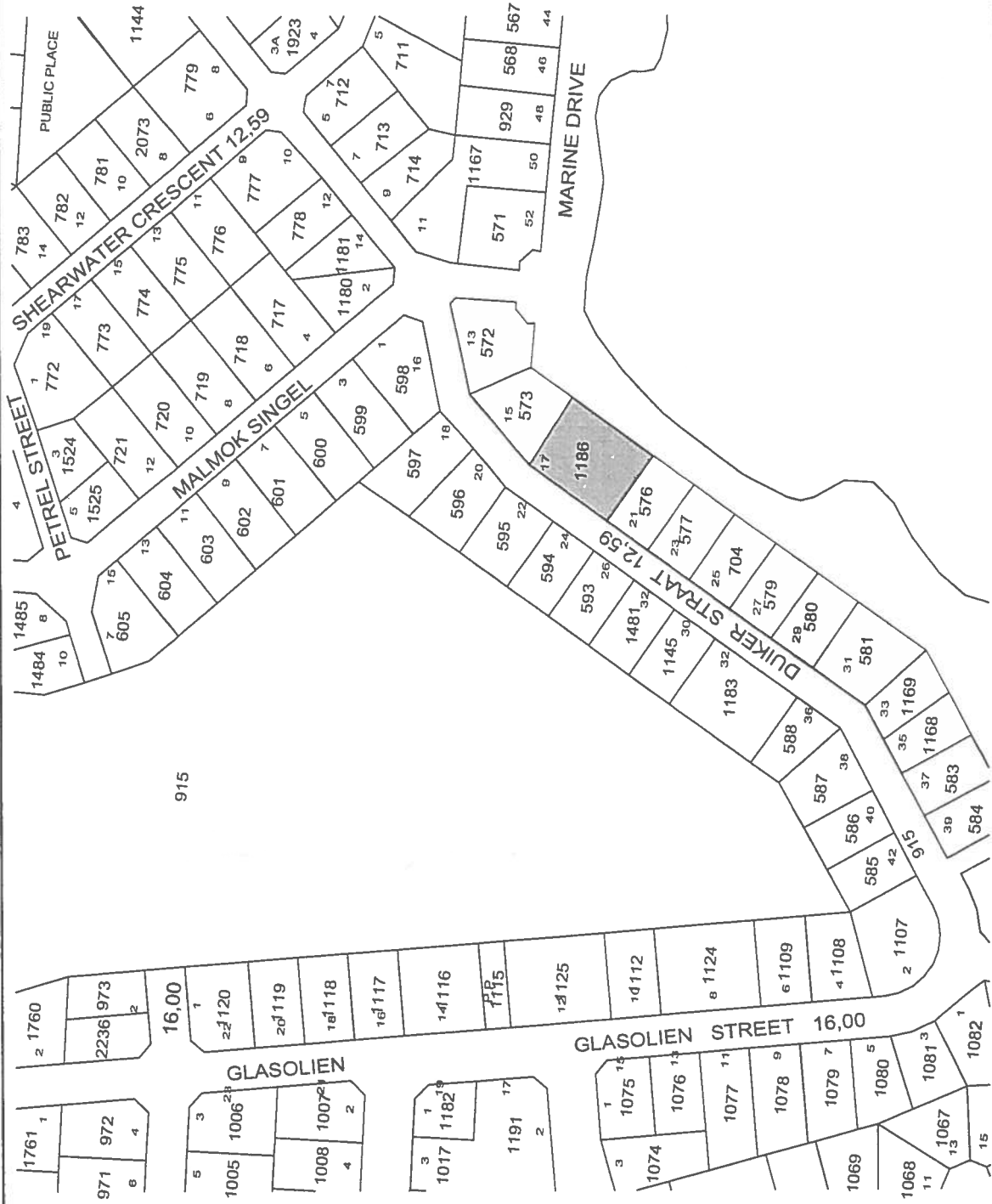
Property Description:

ERF 1186  
VERMONT

All distances approximate  
and subject to survey.

COPY RIGHT RESERVED

Stads-en Strecksbeplanners  
Town & Regional Planners





Scale: 1:500  
 Drawing Nr: verm1186s.drw  
 Date: JULY 2015

Plan Description:  
**SUBDIVISION  
 PLAN**

Property Description:  
**ERF 1186  
 VERMONT**

All distances approximate  
 and subject to survey.  
**COPY RIGHT RESERVED**

**PLAN** Stads- en Streeksbeplanners  
**Active** Town & Regional Planners

- NOTES:**
- Erf boundaries
  - Existing structures
  - Subdivision line
  - Previous subdivision line
  - Building lines i.t.o. scheme regulations
  - Building lines i.t.o. title deed
  - Proposed new tandem garage



**PROPOSED SUBDIVISION, DEPARTURE  
& REMOVAL OF RESTRICTIVE TITLE  
DEED CONDITIONS**

**ERF 1186 VERMONT**

**DIVISION: CALEDON  
OVERSTRAND MUNICIPALITY**

**MOTIVATION REPORT**

**1. BACKGROUND**

The companies Plan Active Town Planners and Van Dyk Land Surveyors have been instructed by the owners of erf 1186 Vermont, J.J. Nel and M.M. Jourdan, to apply for the subdivision, departure and removal of restrictive title deed conditions of erf 1186 Vermont.

Erf 1186 Vermont is 1250m<sup>2</sup> in extent and is held by title deed number T27640/1998. It is the intention of the owners of erf 1186 Vermont to subdivide the subject property into two portions to allow the two existing co-owners to each have their own property. Erf 1186 Vermont previously consisted of two erven, namely erven 574 & 575 Vermont being 625m<sup>2</sup> each in extent. Erven 574 & 575 Vermont were consolidated in 1989 to create erf 1186 Vermont. Please refer to SG diagrams no. 403/1989, 372/1944 and 373/1944.

A previous application to subdivide the subject property on the old subdivision line (to create two similar shaped portions than erven 574 and 575 Vermont were) was submitted in 2010. The previous application intended to demolish a portion of the existing primary dwelling to accommodate the proposed subdivision line. There was however some concerns regarding the heritage value of the primary dwelling and consequently the application was withdrawn.

After discussions with Mr Henk Olivier (Town Planner: Overstrand Municipality) the owners still want to pursue the subdivision application, but maintain all existing structures. It is therefore now the intention of the owners of erf 1186 Vermont to subdivide the subject property into two equal sized portions, but this time the subdivision line follows a line around the existing structures to keep the impact on the heritage value of the existing primary dwelling to a minimum.

## **2. APPLICATION DETAILS**

Application is made in terms of:

- Section 24 of the Ordinance on Land Use Planning, Ordinance 15 of 1985 for the subdivision of erf 1186 Vermont;
- Section 15 of the Ordinance on Land Use Planning, Ordinance 15 of 1985 for the departure of erf 1186 Vermont;
- The Removal of Restrictions Act, Act 84 of 1967 as amended, for the removal of the restrictive title deed conditions.

## **3. NEED AND DESIRABILITY**

The Department of Environmental Affairs and Development Planning's Guidelines on Need and Desirability (October 2011) stipulates what is needed and desired for a specific area must be strategically and democratically determined. The need and desirability of development must therefore be measured against the contents of the credible Integrated Development Plan (IDP), Spatial Development Framework (SDF) and Environmental Management Framework for the area, and the sustainable development vision, goals, objectives, strategies and policies formulated in, and the desired spatial form and pattern of land use reflected in the area's credible IDP and SDF.

The abovementioned guidelines further clarify that the concept of need and desirability can be explained in terms of the general meaning of its two components in which *need* refers to *time* and *desirability* to *place*. Need and desirability can be

equated to *wise use of land* – i.e. the question of what is the most sustainable use of land. This in turn implies that any proposed development must be socially, environmentally and economically sustainable and that decisions must take into account the interests, needs and values of all the relevant stakeholders involved in the project.

The following criteria are used to motivate the need and desirability for the proposed subdivision, departure and removal of restrictive title deed conditions of erf 1186 Vermont:

### **3.1 PROPERTY DESCRIPTION**

The subject erf is situated at 17 Duiker Street, Vermont. Please refer to the locality plan attached. Erf 1186 Vermont is 1250m<sup>2</sup> in extent and is situated in a residential environment.

### **3.2 ZONING**

The land is zoned Residential Zone I and is utilized as such. Refer to the zoning certificate dated 7 August 2015 attached.

Surrounding properties are also zoned for single residential purposes.

### **3.3 LAND USE**

There is an existing dwelling ( $\pm 145\text{m}^2$ ), a second dwelling ( $\pm 104\text{m}^2$ ) and a garage ( $\pm 56\text{m}^2$ ) situated on the subject property and therefore the property is used for single residential purposes. The existing structures are not older than sixty years.

The subject property was previously owned by the artist Cecil Higgs. The book, Cecil Higgs – Close Up (written by D. Betram) indicates that the primary dwelling was constructed in 1964. The existing western side of the primary dwelling was altered and renovated in 1987.

Land uses that surround erf 1186 Vermont are dwellings and public roads.

### 3.4 PROPOSAL

- The subdivision of erf 1186 Vermont in terms of Section 24 of the Ordinance on Land Use Planning, Ordinance 15 of 1985;
- The departure of erf 1186 Vermont in terms of Section 15 of the Ordinance on Land Use Planning, Ordinance 15 of 1985;
- The removal of restrictive title deed condition described in title deed no. T27640/1998, page 3, paragraph E. (a) & (d) in terms of the Removal of Restrictions Act, Act 84 of 1967, as amended.

It is the intention of the owners of erf 1186 Vermont to subdivide the subject property into two portions. Erf 1186 Vermont previously consisted of two erven, namely erven 574 & 575 Vermont being 625m<sup>2</sup> each in extent. Erven 574 & 575 Vermont were consolidated in 1989 to create erf 1186 Vermont. Please refer to SG diagrams no. 403/1989, 372/1944 and 373/1944.

A previous application to subdivide the subject property on the old subdivision line (to create two similar portions than erven 574 and 575 Vermont were) was submitted in 2010. The previous application intended to demolish a portion of the existing primary dwelling to accommodate the proposed subdivision. There was however some concerns regarding the heritage value of the primary dwelling and consequently the application was withdrawn.

After discussions with Mr Henk Olivier (Town Planner: Overstrand Municipality) the owners still want to pursue the subdivision application, but maintain all existing structures. Mr Olivier also indicated that all future extensions / additions to the Remainder erf 1186 Vermont should also be shown on the proposed subdivision

plan. It is therefore now the intention of the owners of erf 1186 Vermont to subdivide the subject property into two equal sized portions, but this time the subdivision line follows a line around the existing structures to keep the impact on the heritage value of the existing primary dwelling to a minimum.

It is proposed to subdivide erf 1186 Vermont into two portions:

TOTAL AREA:	1250m <sup>2</sup>
AREAS FOR SUBDIVISION:	PORTION A: ±625m <sup>2</sup> REMAINDER: ±625m <sup>2</sup>
OWNER:	J.J. NEL & M.M. JOURDAN
TITLE DEED	T27640/1998

The position of the existing structures on erf 1186 Vermont restricts the proposed subdivision of erf 1186 Vermont into exactly the same shaped erven than it previously consisted of (erven 574 & 575 Vermont). The outcome of the previous application, that was withdrawn, was that the partial demolition of the existing primary dwelling, associated with the artist Cecil Higgs, will not be considered. The position of the existing structures does however not allow the proposed subdivision line to adhere to the applicable lateral building lines. As discussed with Mr Henk Olivier the subdivision line was therefore determined to allow at least a 1m building line from the existing primary dwelling situated on the Remainder portion after subdivision. The existing garage on Portion A will have a 0m lateral building line. Application is therefore made for the departure of the lateral building lines stipulated for Residential Zone 1 properties, as follows:

- Deviation of the lateral building line from 2m to 1m to accommodate the existing dwelling on Remainder erf 1186 Vermont;
- Deviation of the lateral building line from 2m to 0m to accommodate the existing garage on Portion A, a portion of erf 1186 Vermont.

The existing garage (to be positioned on the 0m building line after subdivision) does not have any windows or doors on the portion of the structure that encroaches the building line. Furthermore the garage is only 2,42m high. Consequently the encroachment is in line with the Overstrand Scheme Regulations' conditions for considering a deviation for a garage on a property.

Mr Olivier also indicated that all future extensions / additions to the Remainder erf

1186 Vermont should also be shown on the subdivision plan to determine how future additions will impact on the existing main dwelling associated with the artist Cecil Higgs. The owners only intend to construct a new tandem garage on the Remainder portion since the existing double garage will be positioned on Portion A after subdivision. The proposed new tandem garage will be positioned on the north eastern boundary and will be  $\pm 53\text{m}^2$  in extent (4,8m x 11m). The position of the proposed new tandem garage will not have a negative impact on the existing main dwelling (and consequently the heritage value associated therewith). Please refer to the subdivision plan attached.

The proposed coverage for erf 1186 Vermont after the subdivision does not exceed the maximum coverage of 50% for single residential erven, and it will be as follows:

- Portion A, a portion of erf 1186 Vermont:  $\pm 32\%$  (inclusive of the proposed new tandem garage);
- Remainder erf 1186 Vermont:  $\pm 23\%$ .

The proposed erf sizes are still within the average ( $\pm 650\text{m}^2$ ) and minimum erf sizes ( $550\text{m}^2$ ) allowed in the Vermont area.

The title deed has restrictive conditions that have to be removed for this application to be approved. A simultaneous application for the removal of the restrictive title deed conditions is therefore submitted to the Department of Environmental Affairs & Development Planning. Please refer to Section 3.7 of the report.

The proposed subdivision and departure does not have a negative impact on the character of the area since the proposed portion sizes after subdivision is compatible with the surrounding erf sizes.

The proposed subdivision and departure of erf 1186 Vermont is not in contrast to the existing land uses tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

### 3.5 ACCESS

Access to portion A, a portion of erf 1186 Vermont will remain unchanged and will be from the existing access point in Duiker Street (point A shown on the subdivision plan). A new access point of 4m wide will be created in the northern corner of the subject property to give access to Remainder erf 1186 Vermont (point B shown on the subdivision plan).

### 3.6 SERVICES

All services on the subject erf already exist. Additional services will be provided to the satisfaction of the Overstrand Municipality.

### 3.7 TITLE DEED

The title deed T27640/1998 has restrictions that need to be removed in order for this application to be approved. The title deed stipulate on page 3, paragraph E. that:

"Onderhewig verder aan die volgende voorwaardes genoem in Akte van Transport Nr. T16807/1946, ten gunste van die Transportgewer Maatskappy en hul opvolgers in titel ten opsigte van die restant van die grond gehou kragtens Akte van Transport Nr. T7023/1935:

- (a) Save with the consent of the Transferor Company in writing no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 3,15 (three comma one five) metres to the street line which forms a boundary of the said property, and no such building or structure shall be situated within the 1,57 (one comma five seven) metres of the lateral boundary common to any adjoining Lot, nor, save with the consent aforesaid, may the said property or any Lot if the property is sold comprise more than one lot, be subdivided."

The reason for the removal of the restrictive title deed condition is as follows:

- Application is made to subdivide the subject property into two portions; consequently the above condition that stipulate that the property may not be subdivided, is restrictive;
- A departure application (building line relaxation) has to accompany the subdivision application since the existing structures will encroach the applicable lateral building lines in terms of the scheme regulations as well as in terms of the title deed. The outcome of the previous subdivision application was that the existing dwelling may not be demolished due to its heritage value. At the same time the portions after subdivision, have to adhere to the average and minimum erf sizes for the area. Therefore the position of the subdivision line was based on keeping the existing dwelling intact, while still adhering to the erf sizes applicable to the area.

There is a private bond registered against erf 1186 Vermont. The bond account holder has however passed away and the executors neglected to cancel the bond account. The bond is therefore in the process of being cancelled by the appointed attorneys.

### **3.8 FORWARD PLANNING**

The Draft Overstrand Spatial Development Framework (SDF) earmarks the area where erf 1186 Vermont is situated, for residential purposes. The proposed subdivision creates portions with sizes that are within the minimum erf sizes (550m<sup>2</sup>) allowed for the Vermont area and the proposed subdivision of erf 1186 Vermont therefore falls within the existing planning for the Vermont area.

The Overstrand Municipal Growth Management Strategy (2010) does not envisage any further densification for this area of Vermont. However, erf 1186 Vermont previously consisted of two erven and therefore we are not applying for more than what previously existed on this property.

### 3.9 ENVIRONMENTAL IMPACT

The proposed subdivision and departure of erf 1186 Vermont do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

It is not proposed to alter or add to the existing structures on both the portions after subdivision at this stage. Any future development of the subject property will be done in accordance with the Overstrand Scheme Regulations and will adhere to all applicable legislation (including NEMA).

### 3.10 HERITAGE VALUE

The subject property does not fall within the Heritage Overlay Area of Vermont. The Overstrand Heritage Survey Report (2009) does however grade the subject property as Heritage 3C by virtue of its cultural and historic significance. The subject property is associated with the life and work of Cecil Higgs, one of the most significant South African women artists of her generation. She lived and worked in the Vermont / Onrus area for many years. Although Cecil Higgs contributed to the cultural and historical importance of the area, the subject property / dwelling was never declared a national monument.

The primary dwelling on the subject property was built in 1964 and is therefore not older than 60 years. Various alterations were done to the primary dwelling over the years with the most recent in 1987.

None of the buildings on erf 1186 Vermont will encroach the subdivision line and therefore no existing structures will have to be demolished on the subject property. The primary dwelling with its heritage significance will therefore be retained. It should also be noted that there is already an approved second dwelling on the subject property. After subdivision there will be a dwelling situated on each portion. At this stage it is not intended to alter the existing structures on the subject portions after subdivision. As mentioned previously a new tandem garage will be constructed on the Remainder portion since the existing double garage will be positioned on

Portion A after subdivision. The proposed new tandem garage will be positioned on the north eastern boundary and will be  $\pm 53\text{m}^2$  in extent (4,8m x 11m). The position of the proposed new tandem garage will not have a negative impact on the existing main dwelling (and consequently the heritage value associated therewith). Please refer to the subdivision plan attached.

The living room with its decorated fireplace and view from the "studio" are the remaining legacies linked to Cecil Higgs. The aforementioned will be retained.

We are therefore of the opinion that the impact on the heritage value of the subject property will remain unchanged since the existing structures will prevail (and the artist / heritage significance is associated with the existing dwelling and not the extent of the whole property before subdivision).

The previous subdivision application (submitted in 2010) served before the Overstrand Heritage & Aesthetics Committee. Please refer to the minutes dated 30 September 2010 attached. The aforementioned committee specifically stipulated that the building (i.e. main dwelling) should be preserved (the previous subdivision application intended to partially demolish the existing primary dwelling). Since it is not proposed to demolish any structures to accommodate the proposed subdivision, we trust that the committee will now be able to give a positive response.

A notice of Intent to Develop was submitted to Heritage Western Cape for approval. Also refer to the photograph annexure attached.

#### 4. RECOMMENDATION

When this application is evaluated it is important to take note of the following:

- All services on the subject erf already exist;
- The existing structures (including the main dwelling associated with Cecil Higgs) will remain unchanged;

- The departures (building line relaxations) applicable to the application is for the sole purpose to prevent any structures to be demolished to accommodate the proposed subdivision line;
- The proposal is compatible with the existing built character of the area;
- Impact on the traffic and services will be kept to a minimum;
- The proposed erf sizes are compatible with the surrounding erf sizes;
- The proposed subdivision and departure will not have a negative impact on the current character and land values of the surrounding erven.

With regards to the above mentioned it would be appreciated if Council would approve the subdivision and departure of erf 1186 Vermont and recommend the removal of restrictive title deed conditions application to the Department of Environmental Affairs & Development Planning.

TP- A Theart  
(Choliver)

**Loretta Gillion - VERMONT: APPLICATION FOR REMOVAL OF RESTRICTIONS,  
SUBDIVISION AND DEPARTURE OF ERF 1186**

**From:** "Duncan Heard" <duncanheard@telkomsa.net>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 20/12/2015 12:25 PM  
**Subject:** VERMONT: APPLICATION FOR REMOVAL OF RESTRICTIONS,  
SUBDIVISION AND DEPARTURE OF ERF 1186



The above application was investigated by the Vermont Ratepayers and Environmental Association (VREA) and the findings were:

The application is convincingly motivated in terms of :

- 1 Retaining a home of historical significance;
- 2 Creating two separate and adequately sized erven each with adequately sized homes for accommodation. Currently both homes on the erf 1186 are occupied by members of the same family – members of which will inherit from the applicant.

The proposed border between the two proposed erven is an unusual shape for this area . It is demarcated currently with wire and wooden poles. In the possible event of a future owner not being family, space exists for a more substantial barrier between the erven.

The VREA therefore has no objection to the application

**Duncan Heard**

**Chairperson: VREA**

12 Sepia Avenue, Vermont, Onrusrivier. 7201. SOUTH AFRICA

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[duncanheard@telkomsa.net](mailto:duncanheard@telkomsa.net)



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please consider the environment

*"We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect." Aldo Leopold, A Sand County Almanac*

FILE NO:	EL 1186 Ver
SCAN NO:	
COLLABORATOR NO:	865915

TP

20 DEC 2015



TP - A Theant  
(Holivier)

**OVERSTRAND MUNICIPALITY**

P.O. Box 20  
**HERMANUS**  
7200

**Date:**  
14.04.2015

**Enquiries:**  
Mr David Williams  
Tel: 021 980 3102  
Fax: 021 980 3053

**Attention: S. Muller**

**PROPOSED DEPARTURE: REMOVAL OF RESTRICTIONS, SUBDIVISION AND DEPARTURE,  
ERF 1186, VERMONT.  
OUR REF: 03426/15**

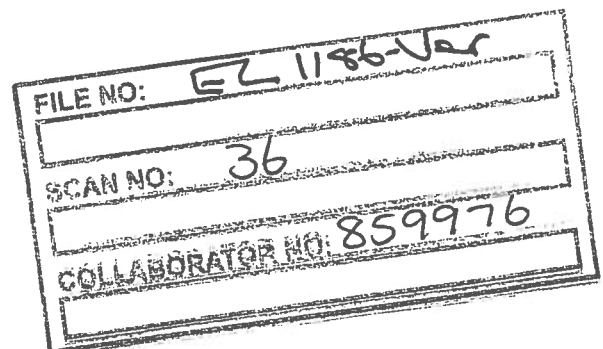
I refer to your letter dated 05 November 2015.

Eskom has no objection to the proposal provided that the following requests are adhere to:

1. Should it be necessary to relocate / support any of the existing services, at least 3 months notice in writing is required and the cost will be entirely for the account of the Developer / Applicant.
2. Eskom's right on the properties not to be affected.
3. All services indicated on included drawing to be verified on site (by Applicant)
4. Enclosed find a copy of the **Occupational Health and Safety Act ( Act No. 85 of 1993)**
5. (i) Included drawing indicates existing Eskom services in the vicinity and is for information / planning only and should not be issued.  
(ii)(a) This is not an approval for applicant to undertake any work in close proximity of Eskom's services in proposed area as indicated on included drawing.  
(b) Formal application must be made to Eskom, Land Development, P.O.Box 222, Brackenfell, 7561 – Esack Daware.

Yours faithfully

**David Williams**  
**LAND DEVELOPMENT (BRACKENFELL)**



**Western Region**  
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA  
Tel +27 86 003 7566 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/06



# ESKOM (WESTERN REGION)

## **OCCUPATIONAL HEALTH AND SAFETY ACT (Act No 85 of 1993) WITH REGULATIONS**

### D16 (7) Excavations

"The builder or excavator shall ascertain as far as possible the location and nature of underground services likely to be affected by the excavation and take such steps as may be necessary to prevent danger to persons".

## **THE ELECTRICITY ACT (Act No 41 of 1987)**

### Section 27 (3) : Offences and Penalties

"Any person who without legal right (the proof of which shall be upon him) cuts or damages or interferes with any apparatus for generating, transmitting or distributing electricity, shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000,00 or to imprisonment for a period not exceeding twelve months".

03426/15

ANNEXURE E 3/4

05/11/15 km

**Rochelle Mc Pherson**

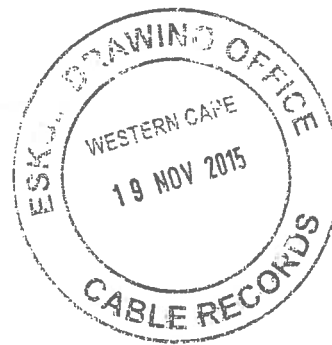
**From:** Loriaan Isaacs <loriaanisaacs@overstrand.gov.za>  
**Sent:** 05 November 2015 09:30 AM  
**To:** WayleavesWesternOU; petersi2@telkom.co.za  
**Cc:** Loretta Gillion  
**Subject:** Erf 1186, Vermont  
**Attachments:** Annexures.pdf

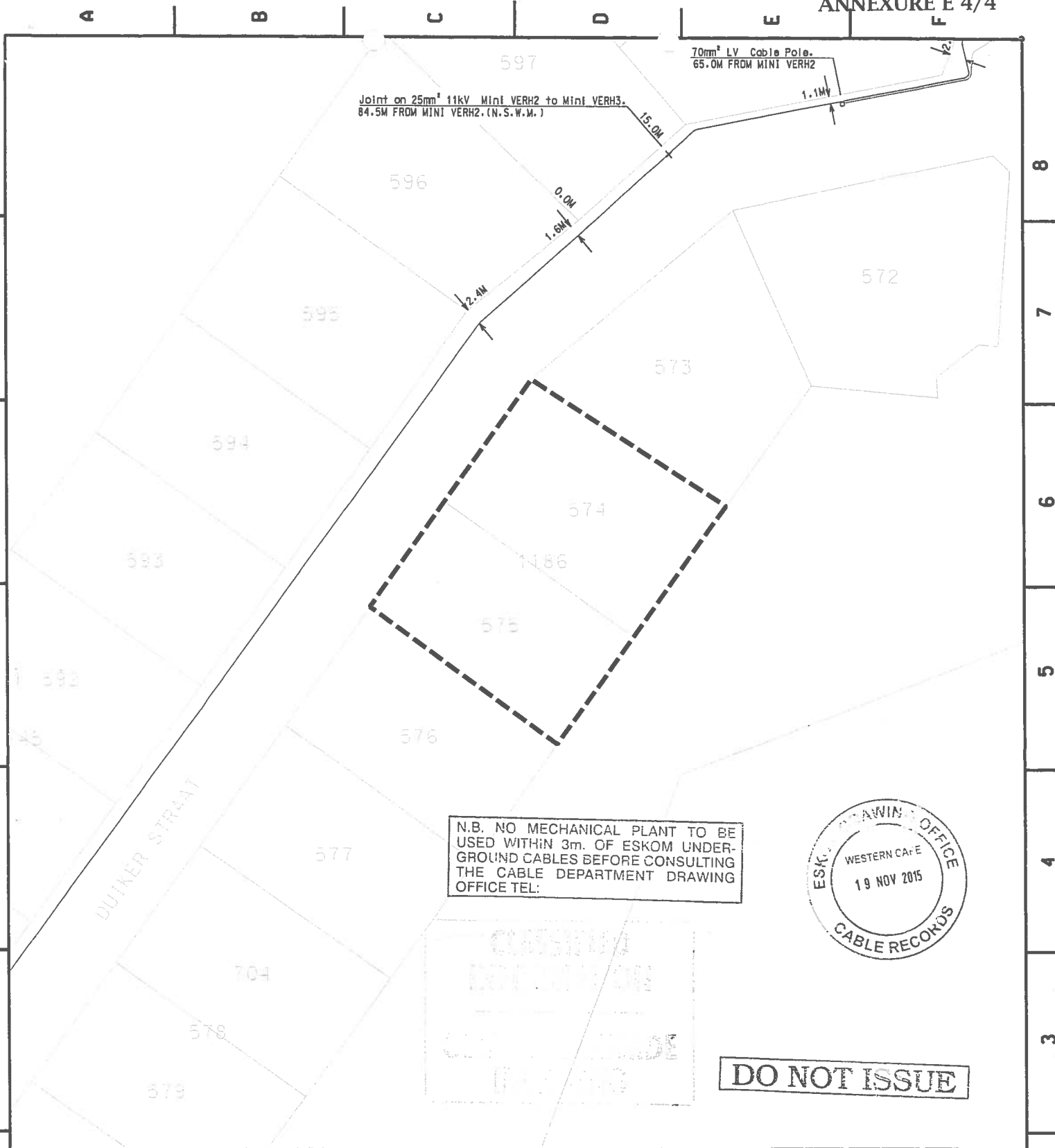
Dear Sir / Madam

Enclosed please find a copy of the above-mentioned application for your information / attention. Your comment on this proposal by not later than **Friday, 18 December 2015** will be appreciated.

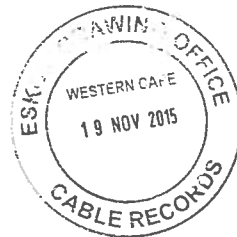
Regards, Lolly

Stadsbeplanning / Town Planning  
Munisipaliteit / Overstrand / Municipality  
Patersonstraat 16 / Hermanus / 16 Paterson Street  
Tel 028 3138966

WB  
CAL.



N.B. NO MECHANICAL PLANT TO BE USED WITHIN 3m. OF ESKOM UNDERGROUND CABLES BEFORE CONSULTING THE CABLE DEPARTMENT DRAWING OFFICE TEL:



**DO NOT ISSUE**

CLASSIFIED INFORMATION  
 INFORMATION  
 INFORMATION

**LEGEND**

- CADASTRAL BOUNDARY
- AREA OF INTEREST
- ESKOM LV U/G CABLE
- ESKOM MV U/G CABLE



SCALE 1 : 500

THIS DRAWING IS THE PROPERTY OF ESK

REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE



CALEDON CNC  
 VERMONT  
 ERF 1186, DUIKER STREET  
 PROPOSED REMOVAL OF RESTRICTIONS, SUBDIVISION AND DEPARTURE  
 OVERSTRAND MUNICIPALITY  
 WAYLEAVE REQUEST

AUTH: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 CHKD: J.STRZALKOWSKI  
 DATE: \_\_\_\_\_

03426/15

DRAWN: O.MPAMBANI  
 DATE: 10-11-2015

SET	SHEET	REVISION
		0

ALL CABLE POSITIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE  
**LAND DEVELOPMENT SECTION**  
 TEL 021-980 3129 FAX 021-980 3053

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION: ERF 1186, ONRUS (3015)**

VERMONT

Stormwater (SW) : In order  
Electricity : Escom  
Water : In order  
Sewer : In order  
Roads and traffic : In order

**Conditions:**

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

1.1 **Developments with free standing properties** (property that is subdivided and plots to be sold individually).

1.2 The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (2015/2016) is as follows:

Water (W7A)	R 24 851.00 x 1	=	R 24 851.00
Sewerage (SEW5A)	R 19 945.00 x 1	=	R 19 945.00
Roads & (SW) (RDST1)	R 6 500.00 x 1	=	<u>R 6 500.00</u>
<b>TOTAL (inclusive of VAT)</b>		=	<b><u>R 51 296.00</u></b>

Note:

- 1.2.1 The above figures are estimates and do not include connection fees.
2. that each erf be provided with a water and sewerage connection according to the required standard, if applicable in the specific area, at the owner's cost;
3. that stormwater be allowed to discharge through Erf 1186, Onrus River, unobstructed.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

17/11/2015  
DATE